

# ORDINANCE 1530

## **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ESTABLISHING INTERIM ZONING REGULATIONS AS AUTHORIZED BY THE GROWTH MANAGEMENT ACT RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS INCLUDING THE BULK AND DIMENSIONAL STANDARDS FOR LOW DENSITY RESIDENTIAL ZONES; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, due to the potential adverse impacts to floodway areas, sensitive environmental and critical areas, city streets, public safety, economics, city infrastructure, city utilities, noise and air, the City of North Bend has determined modified residential development regulations including bulk and dimensional standards are necessary within all Low Density Residential zones and additional in-depth analysis is required regarding these adverse impacts; and

**WHEREAS**, City staff and the Planning Commission will require adequate time to evaluate and study the existing land uses; complete a comprehensive review and study of the zoning code and development regulations to ensure future development activities are consistent with the Comprehensive Plan Goals and Policies and determine the impact of the existing development, bulk and dimensional standards; and make a recommendation to the City Council before additional development activity occurs under the current regulations; and

**WHEREAS**, the City has determined that an interim zoning regulation adopted under the provisions of RCW 36.70A.390 is necessary in order to allow adequate time for the City to effectively analyze development standards for low density residential zones, and for the Community and Economic Development Department to bring forth related regulations for Planning Commission and City Council consideration;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact and Adoption of Interim Zoning Regulations:** The City Council hereby adopts the “Whereas” clauses set forth above as its findings of fact in support of this interim ordinance. The City Council further adopts as interim zoning

regulations the amendments set forth in Exhibit A to this Ordinance to Chapter 18.10 (Table of Bulk and Dimensional Standards) and Chapter 17.08 (Lot Size) of the North Bend Municipal Code.

**Section 2. Public Hearing and Effective Period:** Pursuant to RCW 36.70A.390, the City Council shall conduct a public hearing on this ordinance within 60 days of its adoption. This ordinance shall be effective for one year from its effective date, and the Mayor is requested to implement the Work Plan described below in order to prepare and bring forward to the Planning Commission and City Council proposed permanent regulations.

- 1) July – September 2014: Community and Economic Development Director and staff analysis and evaluation of City needs and impacts to City arising from low impact residential development that has occurred under regulations in place during the previous three years; ;
- 2) October – November 2014: Preparation of proposed code amendments and related Staff Report by Community and Economic Development staff ;
- 3) December 2014 – February 2015: Planning Commission consideration of code amendments, including public hearing(s), and recommendation to City Council; and
- 4) March - April 2015: City Council consideration of Planning Commission recommendation.

**Section 3. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date:** This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the

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“WHEREAS” clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 1<sup>ST</sup> DAY OF JULY, 2014.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: July 9, 2014  
Effective: July 1, 2014

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**Susie Oppedal, City Clerk**